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Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Report of the Secretary-General**

Summary

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted by the General Assembly in 1992. With a view to continuing the promotion of the implementation of the Declaration, the General Assembly, in its resolution 58/182, invited the Secretary-General, inter alia, to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities, and to report to the General Assembly at its sixtieth session on the implementation of the resolution, including examples of good practices in the field of education and the effective participation of minorities in decision-making processes.

There is growing recognition that the promotion and protection of the rights of persons belonging to minorities are integral to strengthening the political and social stability of States and contribute to development within a democratic framework based on the rule of law. It has been noted that a lack of structures for peaceful resolution of differences, exploitation of minority identity for political purposes, social tensions, group inequalities, historical grievances and political and power disputes (sometimes over control of resources) have led to open conflicts.

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** The report has been submitted late owing to consultations.

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Mainstreaming the rights of persons belonging to minorities in the work of the United Nations on peace and security and development can contribute to the efforts of the Organization to build a culture of prevention based on the principles of equality and justice. The Office of the United Nations High Commissioner for Human Rights has been drawing upon regional and national expertise to promote and protect the rights of persons belonging to minorities, including through the holding of subregional meetings. Non-governmental organizations and minority representatives have specifically requested the Office to provide them with further training. The development of a training manual incorporating instances of good practice would be a useful tool to facilitate better understanding of minority rights and ways of managing diversity in multi-ethnic societies through measures to integrate minorities into society as a whole. The Office will continue building the capacity of civil society to work on minority issues through the organization of the Minority Fellowship and training programmes. Further support to such activities would be possible through the establishment of a voluntary fund for minority-related activities, a recommendation from the Economic and Social Council which is before the General Assembly for its consideration. It is also argued that the proclamation of an international year for the world's minorities would provide an additional framework for taking forward concrete measures for the better protection of minorities.

The present report contains information concerning the effective promotion of the provisions of the Declaration as requested by the General Assembly in resolution 58/182.

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I. Introduction

1. The General Assembly, in its resolution 58/182, called upon the Secretary-General, the United Nations High Commissioner for Human Rights and the Working Group on Minorities to continue to promote and protect the rights of persons belonging to minorities, referring to a number of specific areas of activity. It also requested the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the resolution. The present report is submitted in compliance with that request.

II. Provision of qualified expertise on minority issues

2. With regard to the importance of the United Nations and its bodies assisting Governments in finding expertise necessary for addressing minority issues, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a Workshop on Minorities and Conflict Prevention and Resolution on 26 and 27 May 2005 in Geneva. Minority experts, United Nations organizations, representatives of communities and Governments participated in this seminar. The workshop considered such matters as the root causes of conflict affecting or involving minorities, opportunities for the participation of minorities in the work of the United Nations, opportunities for action to be taken by the United Nations and Member States to protect minorities, suggestions for preventing rather than reacting to problems, and concluding observations. Many of the root causes identified related to structural problems such as poor governance, corruption, lack of effective participation in decision-making, lack of institutional frameworks to resolve conflict, socio-economic inequalities, as well as conflicts over natural resources. Suggestions made for improving the capacity of the United Nations to prevent conflict through effective early warning and action included establishing consultative frameworks between civil society and the United Nations at the national level, and linking the promotion and protection of the rights of persons belonging to minorities to the work of different United Nations organizations dealing with humanitarian, development, peace and security and human rights issues at the country level. In this regard, reference was made to the possible development of a minority profile and matrix, which could serve as a conflict prevention and resolution tool as well as a tool for minorities, Governments and United Nations agencies and organizations at the country level, to contextualize the principles and provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities ("the Declaration"). Discussion also focused on autonomy and integration measures in addressing specific minority situations. Information relating to the workshop is available on the web site of OHCHR (www.ohchr.org).

3. In cooperation with the Working Group on Minorities, OHCHR has continued to organize subregional meetings on minority issues. It has been acknowledged that these meetings are important as they utilize regional and subregional expertise on minority issues with a view to contributing to a greater understanding of the subregional aspects of these issues and to sharing experiences in the protection and promotion of minority rights; promote dialogue between and among minorities and the majority population; offer an opportunity for strengthening networking among minorities and supporting their empowerment, including through raising awareness

of the work of the United Nations on human rights; and provide minority representatives and experts from different parts of the world with the opportunity to work directly with the United Nations.

4. In 2004 two subregional meetings were organized, one in South Asia and the other in Central Asia. Representatives of Governments, non-governmental organizations (NGOs) and international organizations, minority experts and members of minorities participated in these meetings. Participants commented on their value in drawing attention to specific minority issues and to conflict situations. It was pointed out that the international community and persons living in the region were often unaware of existing conflicts. Refugee and internal displacement situations and the denial of citizenship to members of minorities were identified as areas of concern requiring further attention. Particular attention was drawn to the need for Governments to invest in peacebuilding, especially capacity-building for dialogue, as well as in institutional reform, including for strengthening systems of accountability for violations of the human rights of persons belonging to minorities. Calls were made for the United Nations organizations and agencies to provide support for strengthening national human rights systems, engaging with Governments for the promotion and protection of the rights of persons belonging to minorities and supporting further cooperation with civil society in the work of the United Nations, including at the national level.

5. The summary of the debate and the conclusions and recommendations of the subregional meeting on Minority Rights: Cultural Diversity and Development in Central Asia held in Bishkek from 27 to 30 October are contained in documents E/CN.4/Sub.2/AC.5/2005/5 and E/CN.4/Sub.2/AC.5/2005/WP.2. Various root causes of the human rights problems affecting ethnic minorities in the subregion were identified. It was concluded that there is a particular need to support the process of democratization, civil society capacity-building and the strengthening of dialogue with local authorities, including in the Ferghana valley, and that more resources needed to be given to address the serious poverty affecting people there and to improving the education system, health care and the health status of the population.

6. The conclusions and recommendations and summary of the subregional meeting on Minority Rights: Cultural Diversity and Development in South Asia, held in Kandy, Sri Lanka, from 21 to 24 November 2004, are contained in documents E/CN.4/Sub.2/AC.5/2005/4 and E/CN.4/Sub.2/AC.5/2005/WP.6. Conclusions and recommendations addressed to Governments included proposals to provide adequate and accessible remedies to address violations of the rights of persons belonging to minorities through independent courts and tribunals; to provide a standing invitation to special procedures and other United Nations bodies and mechanisms to monitor the situation of minority rights and vulnerable groups; to address the situation of non-citizens; to establish independent national human rights institutions and support their role in investigating and granting remedies for the violation of minority rights; and to consider establishing a regional human rights mechanism. With reference to other recommendations adopted, particular mention was made of the need to encourage Governments to promote religious tolerance through public education and media programmes and to provide assistance to Governments for reviewing legislation and other measures with a view to ensuring that such measures did not discriminate against persons on the grounds of their religion.

7. There participants also requested OHCHR to establish a database of successful case studies that might serve as a resource for the provision of expert technical cooperation for South Asian and other countries facing similar minority problems.

8. Concerning the importance of strengthening national human rights systems, a new pamphlet for inclusion in the United Nations Guide for Minorities has been prepared by OHCHR (which provides technical assistance on setting up and supporting such institutions) on the role of national human rights institutions (NHRIs) in the promotion and protection of the rights of persons belonging to minorities. This pamphlet indicates that although many NHRIs have a broad mandate, not all were taking advantage of their powers to deal with minority issues. Reference is made to specific examples of the work of NHRIs in the provision of legal advice on the rights of Afro-Colombians; investigating particular violations against Muslims in Gujarat, India; undertaking promotional activities to raise the profile of Dalit minorities in Nepal and enhancing public awareness of Dalits' rights; facilitating a series of mediation sessions to resolve a conflict involving two different ethnic groups in Ghana; and in taking cases before the courts on behalf of victims, as the ombudsman did in Sweden.

9. In a review by the Working Group on Minorities of the first 10 years of its work, attention was drawn to its more than 80 working papers providing information on specific situations with respect to the rights of persons belonging to minorities and good practices for addressing minority issues. Minority issues highlighted for further attention included: (a) procedures for dialogue between representatives of minority and indigenous communities and their national Governments; (b) constitutional or legislative recognition of minority and indigenous communities; (c) methods for determining membership and representation of minority and indigenous communities; (d) methods for ensuring effective participation in decision-making by representatives of minority and indigenous communities at national and regional or local levels; (e) the balance between separation, integration and multiculturalism in State provision for minority and indigenous communities; (f) achieving an appropriate balance between national development programmes and appropriate development for minority and indigenous communities; and (g) the development of effective cooperation with conflict prevention and conflict resolution mechanisms within the United Nations. It was recommended that existing papers should be published and good practice issue papers prepared.

10. With a view to gathering best practices, the Working Group on Minorities undertook its second country visit, to Finland in January 2003. Members of the Working Group met with representatives of Government, various minorities and NGOs. They became familiar with the special autonomy arrangement of the Aland Islands and how it could serve as an example of a conflict prevention or resolution measure in other similar situations. Information was provided on the legislative, policy and other measures taken at the national level to improve respect for the principles of non-discrimination, tolerance and the rule of law. Meetings were organized with representatives of the Russian, Roma, Jewish and Tatar minorities, the indigenous Sámi, and about 30,000 Ingrians as well as with the Advisory Board for Ethnic Relations, the Ombudsperson, the Sámi Parliament and the Advisory Body on Roma Affairs. The Russian-speaking minority, almost 30,000 people, indicated that they wished to have an advisory body, as existed for the 10,000 Roma. The Sámi Parliament spoke of the importance of the ratification by Finland of the

indigenous and tribal peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO). The promotion and protection of the rights of minorities at the national, regional and international levels is acknowledged as one of the priorities of the Government of Finland, as persons belonging to minorities were more likely than others to suffer discrimination and other human rights violations. The Working Group's visit was seen as contributing to constructive dialogue with international mechanisms. Other Governments were encouraged to consider inviting the Working Group to their country. The Government of Switzerland has also extended such an invitation.

11. It should be stressed that Governments may also call upon technical expertise from the new mandate of the independent expert on minority issues established by the Commission on Human Rights in its resolution 2005/79 and endorsed by the Economic and Social Council in its decision 2005/278. On 29 July 2005, the High Commissioner for Human Rights appointed Gay McDougall to this mandate.

III. Involvement of international actors in minority issues

12. The international community, including regional organizations, have been paying greater attention to the protection and promotion of minorities within the context of moving the United Nations to a culture of prevention, and peacebuilding in post-conflict situations.

13. The General Assembly and other organs of the United Nations have placed particular emphasis on the importance of establishing or strengthening cooperation with international and regional mechanisms to encourage dialogue among and between Governments and minority groups at the country level. At the sessions of the Working Group on Minorities, special appreciation has been expressed for cooperation with and the work of the Office of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, particularly through the Office's use of quiet diplomacy for engaging in dialogue with Governments and others to solve issues pertaining to minorities.

14. An inter-agency meeting was organized by OHCHR on 27 February 2004 in Geneva. Representatives of UNDP, UNICEF, UNFPA, UNSSC, UNITAR, UNRISD, ILO and the United Nations Educational, Scientific and Cultural Organization (UNESCO). The meeting addressed issues relating to, inter alia, the need to establish a special procedure on minority issues and for United Nations activities at the country level to integrate minority concerns, especially within the CCA/UNDAF process and plans and processes to achieve the Millennium Development Goals. Further discussion has focused on the need for the United Nations at the country level to set up structures for cooperating with civil society that would include members of all parts of the population, particularly minorities. The specialized agencies and United Nations funds and programmes have also been specifically requested to consider providing financial support for the participation of minority representatives in the work and activities of human rights mandates dealing with minority issues.

15. The reports of the High Commissioner to the Commission on Human Rights in previous years have analysed the impact of existing special procedures and treaty bodies on minority issues (see E/CN.4/2004/75 and E/CN.4/2005/81). She concluded that while minority issues were frequently addressed by existing human

rights bodies and procedures, the most important need was for follow-up to their recommendations. That could be achieved, inter alia, through the provision of technical cooperation, where requested. A step in this direction has been taken through the inclusion of minority issues in the OHCHR Guidelines for Technical Cooperation Project Management, adopted on 31 May 2005. To assist in further mainstreaming minority issues as human rights concerns in the work of the United Nations in the areas of development and peace and security, it may be necessary to consider further ways of providing training in minority rights and developing appropriate methodological tools, such as profiles and a matrix on minorities.

IV. Participation of non-governmental organizations and persons belonging to minorities in minority-related activities

16. OHCHR organized the first Minority Fellowship Programme in 2005 in Geneva. Five fellows from different regions took part in a three-month programme with the aim of gaining knowledge about human rights and minority rights standards and how to use human rights mechanisms to assist their organizations or communities to better promote and protect human rights. They learned about the work of the treaty bodies, the Commission on Human Rights and NHRIs, especially through establishing contact with NHRI representatives and working with the secretariat servicing the annual session of the International Coordinating Committee of National Institutions. The five fellows also participated in the eleventh session of the Working Group on Minorities.

17. Funding was received to enable a number of members of disadvantaged minority groups in Latin America, Eastern and Western Europe, Asia and Africa to participate in various minority-related activities organized by OHCHR. They included the workshop on conflict prevention and resolution mentioned above, the tenth and eleventh sessions of the Working Group on Minorities in 2004 and 2005 and in the training workshops on minority rights held in 2004 and 2005 in Geneva and jointly organized by OHCHR and Minority Rights Group International. Members of minorities received training in how to cooperate with and make use of the United Nations human rights system. During the training sessions, NGOs shared their experience of advocacy for the implementation of human rights and of networking with a view to strengthening cooperation internationally for the promotion and protection of minority rights. At the Working Group on Minorities, NGOs and members of minorities had an opportunity to engage in dialogue with Governments. The participation of persons belonging to minorities in human rights-related activities has also been supported by the organization of the subregional meetings mentioned earlier held under the auspices of OHCHR and in cooperation with the Working Group on Minorities.

18. The General Assembly has before it at its present session Economic and Social Council decision 2004/278 of 22 July 2004 in which "The Council also recommended to the General Assembly that it give favourable consideration to the establishment of a voluntary fund on minority-related activities", with a view to providing further funding for the participation of persons belonging to minorities in minority-related activities.

19. In the light of the increasing importance attached to the participation of civil society, including members of minorities, in the international system, the following

elements could be relevant to the mandate, purposes and operation of a voluntary fund.

20. Taking into account the experience of similar funds, such as that dealing with contemporary forms of slavery, the voluntary fund would: (a) pay for the travel of minority representatives and experts on minority issues, particularly from developing countries, in minority-related activities organized by the United Nations, particularly its human rights bodies — and in doing so give particular attention to ensuring the participation of young people and women; (b) support minority projects in the area of human rights; and (c) support initiatives of the High Commissioner and her Office to promote and protect the rights of persons belonging to minorities. Also as in the case of other funds, decisions on the use of monies would be made by the Secretary-General with the advice of a board of trustees/advisory group (there would be human resource and financial implications with regard to secretariat assistance to support the board's work). Funding should be obtained by means of voluntary contributions from Governments, non-governmental and intergovernmental organizations and other private or public entities.

21. The Working Group on Minorities also proposed that an international year, to be followed by a decade, for the world's minorities be proclaimed. This recommendation was supported by the Sub-Commission on the Promotion and Protection of Human Rights. During the debate on minority issues at the sixtieth session of the Commission on Human Rights, it was indicated that any further consideration of the proposal would require details concerning the goals, activities and budget. In this regard, the General Assembly may wish to consider requesting OHCHR to consult with Governments on developing a theme, goals and timing of an international year for the world's minorities.

V. Good practices in the field of education

22. Issues concerning education were raised in the Working Group on Minorities and the subregional meetings held in 2004. During discussions at the tenth session of the Working Group, reference was made to the provisions of the Declaration concerning instruction in minority languages and the content of curricula. Difficult choices had to be made in determining how to reconcile separate instruction with the need to pursue a multicultural and multilingual curriculum. Attention also focused on the need for careful review of the content of education, particularly as the education in certain schools, most notably fundamentalist religious schools, could exacerbate religious, communal and sectarian antagonism and conflict. The latter concern was also raised during the South Asian subregional meeting, which adopted recommendations to Governments to reform and review educational curricula and to the United Nations to assist Governments in this task. With a view to actively promoting understanding between different communities, the United Nations was also requested to sponsor media programmes on the importance of promoting religious tolerance through the education system.

23. At the Central Asian subregional meeting, the role of multilingual education in supporting ethnic integration and equality was highlighted. The recommendations adopted made reference to the usefulness of introducing multilingual education models such as those supported by UNESCO. It was further suggested that a round table be held in the subregion with the participation of different entities interested in

supporting the introduction of such a model, including governmental bodies, UNESCO, OHCHR and NGOs.

24. The Working Group on Minorities at its eleventh session focused attention on possible models for the peaceful resolution of minority issues based on good governance and the rule of law. Consideration was given to the relationship between minorities and autonomy, self-governance versus self-determination, and the parallel application of measures to ensure the effective participation of persons belonging to minorities in the civil service, the police force and the security forces. It was recognized that specific situations required different responses. Various papers submitted to the Working Group contained specific examples of measures taken to address situations where minorities were concentrated territorially or in making decisions on cultural, linguistic or religious issues. All the documents of the Working Group may be found on the OHCHR website.

25. The Working Group also looked at the relationship between the effective participation of minorities (in public economic and social life and particularly in decision-making affecting them as regards economic progress and development) and plans for reaching the Millennium Development Goals (see in particular E/CN.4/Sub.2/AC.5/2005/WP.4). It was emphasized that the establishment of mechanisms to enable minorities to participate in devising, monitoring and evaluating strategies to achieve the Goals were urgently needed. Action was also called for to raise awareness of the disparities faced by minorities in reaching the Goals and ensuring the collection of disaggregated data to measure their progress towards the Goals. In this connection, mention was made of a specific ethnic minority-focused strategy for reaching the Goals prepared by the Government of Viet Nam, entitled "Localizing MDGs for Poverty Reduction in Viet Nam: Promoting Ethnic Minority Development" (2002).

VI. Conclusions

26. **There is growing recognition that the promotion and protection of the rights of persons belonging to minorities are integral to strengthening the political and social stability of States and to development within a democratic framework based on the rule of law. It is therefore essential that programmes and projects implemented by the United Nations at the country level include minority-related issues. United Nations country teams should pay particular attention to this need.**

27. **Mainstreaming the rights of persons belonging to minorities in the work of the United Nations on peace and security and development can significantly enrich that work and enhance its impact. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities should guide this process.**

28. **It is vital to involve persons belonging to minorities in the work of the Organization at the international and national levels. OHCHR and other United Nations agencies and programmes should continue to develop training tools and information materials to that end; facilitate the participation of minority members in seminars, workshops and training sessions; and assist in building the relevant capacities of Governments and civil society. The proposed voluntary fund for minority activities may be an important instrument in that regard.**